

Discussion

In the Office Action, claims 19-41 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,253,119 to Dabrowski. Dabrowski is hereinafter referred to as "the applied patent."

In view of the above amendments and the following remarks, reconsideration of the application is respectfully requested.

It is respectfully submitted that the applied patent does not appear to disclose: (1) a gaming apparatus being programmed to determine if a split pay option is available; (2) the gaming apparatus being programmed to **receive a distribution input from a player corresponding to a player cash out amount** if the split pay option is available, the distribution input being a portion of the player cash out amount that the player wants to receive from a hopper; and (3) the gaming apparatus being programmed to pay to the player a first amount equal to the distribution amount from the hopper and to pay to the player a second amount equal to the player cash out amount minus the distribution amount utilizing a cashless payout apparatus, if the split pay option is available; as recited in independent claim 26.

The applied patent generally discloses a gaming device having a coin payout device and a scrip dispensing device, wherein the gaming device provides a player with a combination of scrip and one or more coins/tokens. It is submitted that the applied patent does not disclose programming a gaming apparatus to first determine if a split pay option is available, then receive a distribution input from a player corresponding to a player cash out amount if the split pay option is available, and then pay to the player a first amount equal to the distribution amount from the hopper and to pay to the player a second amount equal to the player cash out amount minus the distribution amount utilizing a cashless payout apparatus.

Therefore, the invention recited in independent claim 26 is not anticipated by the applied patent and the rejection is erroneous. Furthermore, the applied patent does not appear to suggest the elements listed above. Therefore, it is respectfully submitted that claim 26 and claims 27-31 which depend therefrom are allowable over the applied patent.

Applicants further submit that the applied patent does not appear to disclose or suggest: (1) a gaming apparatus being programmed to determine a first default payout amount for a hopper and a second default payout amount for a cashless payout apparatus; (2) the gaming apparatus being programmed to determine if a player is allowed to modify the first and the second payout amounts; (3) the gaming apparatus being programmed to **receive**

an input from the player, the input corresponding to a first modified payout amount to be paid to the player from the hopper and a second modified payout amount to be paid to the player from the cashless payout apparatus, wherein the sum of the first modified payout amount and the second payout amount equals the cash out amount; and (4) the gaming apparatus being programmed to pay to the player the first modified payout amount from the hopper and to pay the second modified payout amount utilizing the cashless payout apparatus; as recited in new claim 32.

Therefore, the invention recited in independent claim 32 is not anticipated by the applied patent and the rejection is erroneous. Furthermore, the applied patent does not appear to suggest the elements listed in the above paragraph. Therefore, it is respectfully submitted that claim 32 and claims 33-35, which depend therefrom, are allowable over the applied patent.

Applicants respectfully submit that independent claim 36 also recites the three elements noted above with reference to independent claim 26 which are not disclosed by the applied patent. Therefore, it is respectfully submitted that claim 36 and claims 37-41 which depend therefrom are also allowable over the applied patent.

Conclusion

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

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